STATE OF NEW YORK

3771--A

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

Introduced by M. of A. BARRETT, PALMESANO, LUPARDO -- Multi-Sponsored by -- M. of A. BYRNES -- read once and referred to the Committee on Libraries and Education Technology -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to project costs for buildings of public libraries located in economically distressed communities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 273-a of the education law, as amended by chapter 498 of the laws of 2011, subdivision 1 as amended by chapter 480 of the laws of 2015, is amended to read as follows:

§ 273-a. State aid for library construction. 1. State aid shall be provided for up to fifty percent of the total project approved costs, excluding feasibility studies, plans or similar activities, for projects for the installation and infrastructure of broadband services, and for the acquisition of vacant land and the acquisition, construction, renovation or rehabilitation, including leasehold improvements, of buildings of public libraries and library systems chartered by the regents of the state of New York or established by act of the legislature subject to the limitations provided in subdivision [~~five~~] **six** of this section and upon approval by the commissioner, except that state aid may be provided for up to seventy-five percent of the total project approved costs for buildings of public libraries that are located in an economically disadvantaged community **and that state aid may be provided for up to ninety percent of the total project approved costs for buildings of public libraries that are located in an economically distressed community**. Provided however that the state liability for aid paid pursuant to this section shall be limited to funds appropriated for such purpose. Aid shall be provided on approved expenses incurred during the period

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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commencing July first and ending June thirtieth for up to three years, or until the project is completed, whichever occurs first. Fifty percent of such aid shall be payable to each system or library upon approval of the application by the department. Forty percent of such aid shall be payable in the next state fiscal year. The remaining ten percent shall be payable upon project completion.

2. Each application for state aid shall be submitted by the board of trustees of the library or library system responsible for the operation of the subject building to the commissioner for his **or her** review and approval, after having been reviewed and approved by the governing board of the public library system of which such library is a member. Each application shall:

a. demonstrate that resources are or shall be available to provide for maximum utilization of the project if approved;

b. contain verification in such form as may be acceptable to the commissioner that the total cost of the project, exclusive of state aid, has been or will be obtained;

c. demonstrate that library operations would be made more economical as a consequence of approval;

d. be limited to one project concerning such building, provided that no building shall be the subject of more than one application per year;

e. contain documentation, where such an application requests state aid in an amount greater than fifty percent, demonstrating how the project will address the service needs of one or more economically disadvantaged communities. Such documentation may demonstrate need through poverty rates, concentrations of English language learners, low high school graduation rates, limited fiscal capacity or other relevant factors; [~~and~~]

f. **contain documentation, where such an application requests state aid in an amount greater than seventy-five percent, demonstrating how the project will address the service needs of one or more economically distressed communities. An application must demonstrate that the average poverty rate within the library's service area is equal to or greater than the New York state average poverty rate using federal census data; and the library must demonstrate that it lacks the capacity to provide twenty-five percent of the project costs; and**

g. provide such other information as may be required by the commissioner.

3. In approving any application that would receive state aid beyond fifty percent of the total project approved costs, the board of trustees of the library system shall give particular attention to addressing the library service needs of economically disadvantaged communities as provided for in paragraph e of subdivision two of this section.

4. **In approving any application that would receive state aid beyond seventy-five percent of the total project approved costs, the board of trustees of the library system shall give particular attention to addressing the library service needs of economically distressed communities as provided for in paragraph f of subdivision two of this section. No more than ten percent of the total funds appropriated to a library system in subdivision six of this section may be used to support the total costs for projects that would receive state aid beyond seventy-five percent of the total project approved costs.**

5. In approving any application the commissioner shall consider the condition of existing libraries and, where appropriate, the needs of isolated or economically disadvantaged communities, provided that no application shall be approved for a project that is deemed by the

commissioner to have been completed prior to the date of the application.

[~~5.~~] **6.** Aid shall be distributed pursuant to this section as follows:

a. sixty percent of the funds appropriated pursuant to this section shall be made available to libraries within each system by the commissioner in such manner as to insure that the ratio of the amount received within each system to the whole of the aid made available pursuant to this paragraph is no greater than the ratio of the population served by such system to the population of the state;

b. forty percent of the funds appropriated pursuant to this section shall be made available to library systems or libraries within each system by the commissioner in such manner as to insure that an equal amount is received within each system in the state;

c. any funds made available pursuant to paragraph a or b of this subdivision which by April first of each succeeding fiscal year, are declined by such libraries or library systems for any reason, or which cannot otherwise be used by such libraries or library systems for any reason, shall be made available by the commissioner to other eligible libraries within such system, or if no such library can use such funds shall be reallocated among the other library systems and their libraries in a manner that will to the extent possible provide from such reallocated funds an equal amount to each such system.

[~~6.~~] **7.** The commissioner shall adopt rules and regulations as are necessary to carry out the purposes and provisions of this section.

[~~7.~~] **8.** The commissioner shall submit to the temporary president of the senate and the speaker of the assembly an annual report describing those projects that have received state funding of greater than fifty percent of project costs and the communities to be served by those projects.

§ 2. This act shall take effect immediately; provided, however, that the amendments to section 273-a of the education law made by section one of this act shall not affect the expiration of such section and shall be deemed to expire therewith.